

Animal and Plant Health Inspection Service, USDA

§ 371.1

APHIS FOIA Coordinator is hereby delegated authority to make determinations with respect to such requests in accordance with 7 CFR.

(b) The FOIA Coordinator or his designee is authorized to receive requests and to exercise the authority under § 1.4(c) of this title to:

(1) Make determinations to grant or deny requests,

(2) Extend the administrative deadline,

(3) Make discretionary releases of exempt records, and

(4) Make determinations regarding charges pursuant to the fee schedule.

(c) In exercising his authority under § 1.4(c) of this title to grant and deny requests, the Coordinator will comply with subsection (b) of the Freedom of Information Act, as amended (5 U.S.C. 552(b)), which requires that any reasonably segregable portion of a document shall be provided to a person requesting such document after deletion of any portions which are exempt under the Act. Therefore, unless the disclosable and non-disclosable portions are so inextricably linked that it is not reasonably possible to separate them, the document will be released with the non-disclosable portions deleted, except that the Coordinator may exercise discretion as limited by § 1.11 of this title, to release the entire document, or to make only a minimum number of deletions, e.g., the names of individuals.

[40 FR 43223, Sept. 19, 1975, as amended at 44 FR 53490, Sept. 14, 1979; 51 FR 30837, Aug. 29, 1986; 59 FR 67611, Dec. 30, 1994]

§ 370.6 Appeals.

If the request for information made under § 370.5 is denied in whole or in part, the requester may file an appeal pursuant to § 1.3(e) of this title. The appeal should be in writing and should be addressed as follows:

Administrator, Animal and Plant Health Inspection Service (FOIA Appeal), Room 313-E, U.S. Department of Agriculture, Washington, DC 20250.

[44 FR 53490, Sept. 14, 1979]

§ 370.7 Agency response to requests.

(a) The response to requests for information and to appeals shall be made in

accordance with the Department regulations in § 1.5 of this title and the regulations in this part.

(b) Requests for records and information which have customarily been directed to field stations and agency headquarters may continue to be directed to those locations, notwithstanding the provisions of these regulations. If the information is not available at the location at which the request is made, or the official receiving the request is in doubt as to whether the information should be released, the official shall (1) promptly forward the request to the FOIA Coordinator, or (2) inform the requester of the procedures established in these regulations by which the request may be sent directly to the FOIA Coordinator. The date of receipt of the request by the Coordinator shall be the determining date for purposes of the time limitations under the Freedom of Information Act and the regulations.

PART 371—ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Sec.

371.1 General statement.

371.2 The Office of the Administrator.

371.3 Plant Protection and Quarantine.

371.4 Veterinary Services.

371.5 Management and Budget.

371.6 Animal Damage Control.

371.7 Regulatory Enforcement and Animal Care.

371.8 International Services.

371.9 Policy and Program Development.

371.10 Recruitment and Development.

371.11 Legislative and Public Affairs.

371.12 Science and Technology.

371.13 Biotechnology, Biologics, and Environmental Protection.

371.14 Delegations of authority.

371.15 Concurrent authority and responsibility to the Administrator.

371.16 Reservation of authority.

371.17 Availability of information and records.

AUTHORITY: 5 U.S.C. 301.

SOURCE: 54 FR 23194, May 31, 1989, unless otherwise noted.

§ 371.1 General statement.

(a) The Animal and Plant Health Inspection Service (APHIS) was created by the Secretary of Agriculture on April 2, 1972 (37 FR 6327, March 28, 1972).